

## **COMPATIBILITY DETERMINATION**

(June 1, 2007)

**Use:** Installation, operation, and maintenance of a Federal Aviation Administration (FAA) Remote Communications Outlet (RCO)

The following refuge use is considered in this compatibility determination:

- Use of Refuge lands (approximately one acre) on Frozen Calf Mountain (within Section 29, T 23 N, R 22 E) for an FAA RCO

**Supporting Uses:** The following activities can occur in support of or in conjunction with maintaining this radio repeater: fixed-wing aircraft use; helicopter landings; hiking; photography and videography; electronics use; snowmobile use; snowshoeing; and wildlife observation.

**Refuge Name:** Yukon Flats National Wildlife Refuge, Fairbanks, Alaska

### **Establishing and Acquisition Authority**

In 1978, President Jimmy Carter established the 10.6 million-acre Yukon Flats National Wildlife Monument with Presidential Proclamation 4627. The monument was established from lands in the public domain. In 1980, the Alaska National Interest Lands Conservation Act (ANILCA) (Section 302) adjusted the boundary to 8.6 million acres, and established the Yukon Flats National Wildlife Refuge (Yukon Flats NWR) as part of the National Wildlife Refuge System (Refuge System).

### **Refuge Purposes**

ANILCA sets out the primary purposes for each refuge in Alaska. The purposes of the Yukon Flats NWR are described in Section 302(9) (B), and are as follows:

- to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, canvasbacks and other migratory birds, Dall sheep, bears, moose, wolves, wolverines and other furbearers, caribou (including participation in coordinated ecological studies and management of the Porcupine and Fortymile caribou herds) and salmon
- to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats
- to provide, in a manner consistent with the purposes set forth above, the opportunity for continued subsistence uses by local residents
- to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth above, water quality and necessary water quantity within the refuge.

### **National Wildlife Refuge System Mission**

The mission of the National Wildlife Refuge System is "to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats

within the United States for the benefit of present and future generations of Americans" (National Wildlife Refuge System Administration Act of 1966, as amended [16 USC 668dd-668ee]).

### **Description of Use**

This compatibility determination is for the continuation of an ongoing use. The FFA obtained a right-of-way permit from the Fish and Wildlife Service for the use of this site in June of 1987 (M-257-YF). The RCO provides air-ground communications coverage for aircraft flying east of Fort Yukon, Alaska. At the RCO, radios, antennas, a solar charger, and batteries are housed in or on a 14-foot high by 7-foot diameter dark green fiberglass shelter secured to the ground with anchors and guy wires (image 1). The permit also authorizes the use of a 200-foot square (approximately one acre) parcel that includes the RCO and an undeveloped helicopter landing area. Access to the site is normally by helicopter. The Fish and Wildlife Service and the Bureau of Land Management also have radio repeater sites on Frozen Calf Mountain (image 2). By placing the three communication equipment shelters at the same site, disturbance to wildlife and Refuge users from access to and maintenance of the radio equipment is minimized and localized. This is a very remote site that receives virtually no subsistence or recreation use.

To help minimize environmental impacts and ensure compatibility with the purposes for which the Refuge was established and the mission of the National Wildlife Refuge System, environmental stipulations (see pages 3 and 4) are to be included in the right-of-way permit.

### **Availability of Resources**

Adequate refuge personnel and base operational funds are available to manage this activity at current levels. Staff time primarily involves monitoring use to ensure compliance with permit stipulations.

### **Anticipated Impacts of the Use**

The use of this site – in accordance with established federal regulations and the stipulations of the permit – does not appear to be resulting in significant impacts to refuge resources. If Service monitoring efforts indicate that impacts are increasing, this use will be reevaluated for compatibility. In our opinion, impacts to natural resources from this activity at present levels are minimal.

### **Public Review and Comment**

The refuge considers the proposed use to be a minor use which has been shown by past experience at this refuge to result in no significant or cumulative impact to the refuge. This permit is expected to generate minimal public interest. Since June of 1987 when the right-of-way permit was first issued, the Refuge has not received any comments or complaints about the RCO. Therefore, public review and comment requirements for this compatibility determination will be accomplished by posting a

notice of the proposed determination at the Refuge headquarters in Fairbanks and posting the draft compatibility determination on the Service's Alaska Region compatibility determination Web site, <http://alaska.fws.gov/nwr/planning/index.htm> for 30 days.

Copies may be mailed or e-mailed upon request. Comments must be received by the refuge headquarters within the thirty-day comment period to receive timely consideration.

U.S. Fish and Wildlife Service  
Yukon Flats National Wildlife Refuge  
Attn: Compatibility Determination Comments  
101 12<sup>th</sup> Avenue, Room 264  
Fairbanks, Alaska 99701  
(907)456-0440  
(907)456-0447 (fax)  
[yukonflats@fws.gov](mailto:yukonflats@fws.gov)

If you e-mail comments, please place the words, "Compatibility Comments," in the subject line and your comments in the body of the text. Please do not include attachments because they will not be opened due to the potential of computer viruses.

The period of public review and comment will begin 15 March 2007, and will end on 16 April 2007.

The following methods are being used to solicit public review and comment:

- Posting notice at refuge headquarters
- Posting draft CD on regional compatibility determination website for 30 days

#### **Determination**

☐ Use is Not Compatible

☒ Use is Compatible

#### **Stipulations Necessary to Ensure Compatibility**

1. The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
2. Any problems with wildlife and/or animals taken in defense of life or property must be reported immediately to the refuge manager, Alaska Department of Fish and Game, and be salvaged in accordance with State regulations.
3. In accordance with the Archaeological Resources Protection Act (16 USC

470aa), the removal or disturbance of archaeological or historical artifacts is prohibited. The excavation, disturbance or collection of historical, recent, ethnological, or archaeological specimens or artifacts is prohibited.

4. Fuel caches are prohibited.

5. The use of off road vehicles (except snow machines) is prohibited except in designated areas.

6. The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for take-off and landing, maintain a minimum altitude of 2,000 feet above ground level (AGL).

7. Aircraft operations within the Refuge are to be conducted in a manner that avoids disturbing subsistence and recreational activities. This includes avoidance of subsistence and recreational users by at least 4,000 feet vertical and horizontal distances whenever possible.

8. Permittee will do everything reasonably possible to prevent and suppress fires on or near lands to be occupied under this permit.

9. Permittee shall restore the land to its original condition to the satisfaction of the Refuge Manager, as far as is reasonably possible to do so upon revocation and/or termination of the permit, unless this requirement is waived in writing by the Service. Restoration of the RCO site will include removal of all equipment. Final inspection of the facility site will be by the Refuge Manager or his designee and will be at the expense of the permittee.

10. No toxic materials will be used or stored on the facility site except as required for maintenance and operation of the permitted facility and approved in advance by the Refuge Manager.

11. Permittee shall exercise reasonable care as determined by the Refuge Manager in using toxic materials if such materials are required for the proper and safe operation of the permitted site.

12. Consistent with 50 CFR 25,21(h), the Refuge Manager may require permit modifications at any future time to ensure that the use and occupancy of the land is compatible with the purposes for which the Refuge was established and the mission of the National Wildlife Refuge System.

Radio repeater sites owned and operated by the Service or that are part of a collaborative or cooperative effort with the U.S. Fish and Wildlife Service are not subject to a formal compatibility determination.<sup>1</sup>

Refuge staff will periodically monitor the site, and findings from these monitoring efforts will be used to determine what additional management actions, if any, are needed to ensure permitted activities remain compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System.

### **Justification**

This compatibility determination is a reevaluation of an existing use. After fully considering the impacts of this activity, as described previously in the "Anticipated Impacts" section of this compatibility determination, it is my professional judgment this right-of-way permit will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes for which the Yukon Flats National Wildlife Refuge was established.

We will evaluate this compatibility determination if conditions under which the use is permitted change significantly, if there is significant new information regarding the effects of this use, or upon the renewal of the right-of-way permit in 20 years.

### **NEPA Compliance for Refuge Use Decision**

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

### **Supporting Documents**

- Comprehensive Conservation Plan, Environmental Impact Statement and Wilderness Review, Yukon Flats NWR, 29 December 1987
- Alaska National Interest Lands Conservation Act of 1980 (as amended)
- National Wildlife Refuge System Administration Act of 1966 (as amended)
- Subsistence Management for Federal Public Lands in Alaska, Final Environmental Impact Statement, Record of Decision signed April 2, 1992
- Title 50, Part 36, US Code of Federal Regulations 2004

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<sup>1</sup> Any action taken by the Service or Service-authorized agents including contractors, cooperating agencies, cooperating associations, refuge support groups, and volunteers is a refuge management activity, and thus is exempt from the compatibility determination process. 50 CFR 25.12 defines refuge management activities as any activity conducted by the Service or a Service-authorized agent to fulfill one or more purposes of the national wildlife refuge, or the National Wildlife Refuge System Mission.

## Refuge Determination

Prepared by: \_\_\_\_\_  
(Signature) (Date)

Refuge Manager /  
Project Leader Approval: ET Mer 6/1/07  
(Signature) (Date)

## Concurrence

Refuge Supervisor: Mike Boyle 11/22/07  
(Signature) (Date)

Regional Chief  
National Wildlife  
Refuge System: [Signature] 11/26/07  
(Signature) (Date)